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Legislative History – Montana Session Law

Chapter: 186 Session L: 2013

Bill Number: HB 462

Checklist of Bill History

History and Final Status Sheet	☐
Introduced Bill	☐
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Judiciary	Committee: Business, Labor, & Economic Affairs
Hearing Date(s): 2/19/2013	Hearing Date(s): 3/15/2013
Committee Report: 2/20/2013	Committee Report: 3/22/2013

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: 12/26/2024

Notes: Audio/Video recordings can be found here: https://sg001-harmony.sliq.net/00309/Harmony/en

Thank you!

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/12/13	Chapter Number Assigned				
04/12/13	(H) Signed by Governor				
04/03/13	(H) Transmitted to Governor				
04/03/13	(S) Signed by President				
04/02/13	(H) Signed by Speaker				
04/02/13	(C) Printed - Enrolled Version Available				
04/02/13	(H) Returned from Enrolling				
03/28/13	(H) Sent to Enrolling				
03/28/13	(S) Returned to House				
03/27/13	(S) 3rd Reading Concurred		49	0	
03/27/13	(S) Scheduled for 3rd Reading				
03/26/13	(S) 2nd Reading Concurred		48	0	
03/26/13	(S) Scheduled for 2nd Reading				
03/25/13	(S) Scheduled for 2nd Reading				
03/22/13	(S) Committee Report--Bill Concurred	(S) Business, Labor, and Economic Affairs			
03/22/13	(S) Committee Executive Action--Bill Concurred	(S) Business, Labor, and Economic Affairs	10	0	
03/15/13	(S) Hearing	(S) Business, Labor, and Economic Affairs			
03/08/13	(S) Referred to Committee	(S) Business, Labor, and Economic Affairs			
03/08/13	(S) First Reading				
02/28/13	(H) Transmitted to Senate				
02/28/13	(H) 3rd Reading Passed		95	2	
02/28/13	(H) Scheduled for 3rd Reading				
02/27/13	(H) 2nd Reading Passed		97	3	
02/27/13	(H) Scheduled for 2nd Reading				
02/20/13	(C) Printed - New Version Available				
02/20/13	(H) Committee Report--Bill Passed as Amended	(H) Judiciary			
02/20/13	(H) Committee Executive Action--Bill Passed as Amended	(H) Judiciary	17	3	
02/19/13	(H) Hearing	(H) Judiciary			
02/13/13	(C) Introduced Bill Text Available Electronically				
02/13/13	(H) First Reading				

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
02/13/13	(H) Referred to Committee	(H) Judiciary			
02/13/13	(H) Introduced				
02/11/13	(C) Draft Delivered to Requester				
02/11/13	(C) Draft Ready for Delivery				
02/11/13	(C) Draft in Assembly/Executive Director Review				
02/11/13	(C) Draft in Final Drafter Review				
02/11/13	(C) Bill Draft Text Available Electronically				
02/11/13	(C) Draft in Input/Proofing				
02/11/13	(C) Draft to Drafter - Edit Review				
02/10/13	(C) Draft in Legal Review				
01/31/13	(C) Draft On Hold				
01/31/13	(C) Draft to Requester for Review				
12/12/12	(C) Draft Request Received				

HOUSE BILL NO. 462

INTRODUCED BY D. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MONTANA'S AGISTERS' LIEN ENFORCEMENT LAWS TO CONFORM WITH THE DUE PROCESS PROVISIONS OF THE MONTANA AND THE UNITED STATES CONSTITUTIONS; PROVIDING THAT THE PERSON WHO OWNS PROPERTY THAT IS SUBJECT TO THE LIEN BE PROVIDED A PROCESS FOR NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO THE PROPERTY BEING SOLD; AMENDING SECTION 71-3-1203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, Article II, section 17, of the Montana Constitution provides "No person shall be deprived of life, liberty, or property without due process of law" and Section 1 of the Fourteenth Amendment to the United States Constitution provides "nor shall any State deprive any person of life, liberty, or property, without due process of law"; and

WHEREAS, in light of these constitutional due process provisions, the United States District Court for the District of Montana in Cox v. Yellowstone County, 795 F. Supp. 2d 1128 (2011), held that the Court "can conceive of no set of circumstances under which Montana's agisters' lien statute could pass constitutional muster in view of procedural due process requirements. Particularly, the need to provide a meaningful opportunity to be heard prior to a government deprivation of property"; and

WHEREAS, the Court in Cox v. Yellowstone County further held that "the enforcement provision of Montana's agisters' lien statute, Mont. Code Ann. § 71-3-1203, is unconstitutional as written"; and

WHEREAS, this Act revises Montana's agisters' lien enforcement laws to conform with the due process provisions of the Montana and United States Constitutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1203, MCA, is amended to read:

"71-3-1203. Enforcement of lien -- sale. If payment for work, labor, or services performed or feed or material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing of the feed or material, the ~~person entitled to a lien~~ lienor under the provisions of this part may enforce the lien

in the following manner:

(1) The lienor may file a lien enforcement action in the district court of the county in which the:

(a) contract between the lienor and the owner of the property was entered into;

(b) owner resided at the time the lien enforcement action commenced; or

(c) property is located.

(2) When a claim is made under this section, an affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

(a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on the owner's property pursuant to 71-3-1201;

(b) that the service described in subsection (2)(a) was performed at the written or verbal request of the owner or owner's agent;

(c) a particular property upon which the lien is claimed; and

(d) an itemized list of the charges that are due and unpaid under the lien.

(3) (a) If satisfactory, the court shall order the owner of the property to show cause why the property should not be sold pursuant to the procedures in this section. The order must include the date and time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the order.

(b) The court order provided for in subsection (3)(a) must be served pursuant to the Montana Rules of Civil Procedure on the owner at least 5 days before the hearing date.

~~(1)~~(4) The ~~person~~ lienor shall deliver to the sheriff ~~or a constable~~ of the county in which the property is located a copy of the court's lien enforcement judgment ~~an affidavit of the amount of the person's claim against the property, a description of the property, and the name of the owner of the property or of the person at whose request the work, labor, or services were performed or the feed or material was furnished~~.

~~(2)~~(5) Upon receipt of the ~~affidavit~~ court's lien enforcement judgment, the sheriff ~~or constable~~ shall ~~proceed to~~ advertise and sell at public auction as much of the property covered by the lien as will satisfy the lien.

~~(3)~~(6) The sale must be advertised, conducted, and held in the same manner as prescribed in 25-13-701(1)(b).

(7) The owner of the property may request a hearing in district court to contest any matter regarding the sale of the property.

~~(4) Before the sheriff or constable sells the property at public auction, the sheriff or constable shall give notice of the sale to the owner or person at whose request the work, labor, or services were performed or the feed~~

~~or material was furnished.~~

~~(a) Notice to the owner must be given at least 10 days before the sale.~~

~~(b) The notice must state:~~

~~(i) the time and place of the sale;~~

~~(ii) the amount of the claim against the property;~~

~~(iii) a description of the property;~~

~~(iv) the name of the owner or person who contracted for the services or materials; and~~

~~(v) the name of the person claiming the lien.~~

~~(c) The notice may be given by personal service or by mailing by certified mail a copy of the notice to the last-known post-office address of the owner or person who contracted for the work, labor, or services performed or the feed or material furnished.~~

~~(d) If the sheriff or constable is not able to effect personal service or service by mail because the location and mailing address of the owner or the contracting person are unknown, the sheriff or constable may give notice by posting notice of the sale in three public places in the county in which the property is located.~~

~~(5)~~(8) The sheriff shall apply the proceeds of the sale to the discharge of the lien and the cost of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or a part that is required to discharge the claims, must be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against the property, and the balance of the proceeds must be turned over to the owner of the property.

~~(6) However, before seizing any property under the provisions of this section, the sheriff may require an indemnity bond from the lienor that may not exceed double the amount of the claim against the property. The bond and the surety or sureties on the bond must be approved by the sheriff.~~"

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Applicability.** [This act] applies to all proceedings and actions initiated on or after [the effective date of this act].

- END -

HOUSE BILL NO. 462

INTRODUCED BY D. JONES, KNUDSEN, C. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MONTANA'S AGISTERS' LIEN ENFORCEMENT LAWS TO CONFORM WITH THE DUE PROCESS PROVISIONS OF THE MONTANA AND THE UNITED STATES CONSTITUTIONS; PROVIDING THAT THE PERSON WHO OWNS PROPERTY THAT IS SUBJECT TO THE LIEN BE PROVIDED A PROCESS FOR NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO THE PROPERTY BEING SOLD; AMENDING SECTION 71-3-1203, MCA; AND PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, Article II, section 17, of the Montana Constitution provides "No person shall be deprived of life, liberty, or property without due process of law" and Section 1 of the Fourteenth Amendment to the United States Constitution provides "nor shall any State deprive any person of life, liberty, or property, without due process of law"; and

WHEREAS, in light of these constitutional due process provisions, the United States District Court for the District of Montana in Cox v. Yellowstone County, 795 F. Supp. 2d 1128 (2011), held that the Court "can conceive of no set of circumstances under which Montana's agisters' lien statute could pass constitutional muster in view of procedural due process requirements. Particularly, the need to provide a meaningful opportunity to be heard prior to a government deprivation of property"; and

WHEREAS, the Court in Cox v. Yellowstone County further held that "the enforcement provision of Montana's agisters' lien statute, Mont. Code Ann. § 71-3-1203, is unconstitutional as written"; and

WHEREAS, this Act revises Montana's agisters' lien enforcement laws to conform with the due process provisions of the Montana and United States Constitutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1203, MCA, is amended to read:

"71-3-1203. Enforcement of lien -- sale. If payment for work, labor, or services performed or feed or material furnished is not made within 30 days after the performance of the work, labor, or services or furnishing of the feed or material, the ~~person entitled to a lien~~ lienor under the provisions of this part may enforce the lien

in the following manner:

(1) The lienor may file a lien enforcement action in the district court of the county in which the:

(a) contract between the lienor and the owner of the property was entered into;

(b) owner resided at the time the lien enforcement action commenced; or

(c) property is located.

(2) When a claim is made under this section, an affidavit must be made by the lienor claiming the property or by someone on the lienor's behalf, stating:

(a) the facts that the lienor performed a service for the property owner entitling the lienor to a lien on the owner's property pursuant to 71-3-1201;

(b) that the service described in subsection (2)(a) was performed at the written or verbal request of the owner or owner's agent;

(c) a particular property upon which the lien is claimed; and

(d) an itemized list of the charges that are due and unpaid under the lien.

(3) (a) If satisfactory, the court shall order the owner of the property to show cause why the property should not be sold pursuant to the procedures in this section. The order must include the date and time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the order.

(b) The court order provided for in subsection (3)(a) must be served pursuant to the Montana Rules of Civil Procedure on the owner at least 5 days before the hearing date.

~~(1)~~(4) The ~~person~~ lienor shall deliver to the sheriff ~~or a constable~~ of the county in which the property is located a copy of the court's lien enforcement judgment ~~an affidavit of the amount of the person's claim against the property, a description of the property, and the name of the owner of the property or of the person at whose request the work, labor, or services were performed or the feed or material was furnished~~.

~~(2)~~(5) Upon receipt of the ~~affidavit~~ court's lien enforcement judgment, the sheriff ~~or constable~~ shall ~~proceed to~~ advertise and sell at public auction as much of the property covered by the lien as will satisfy the lien.

~~(3)~~(6) The sale must be advertised, conducted, and held in the same manner as prescribed in 25-13-701(1)(b).

(7) The owner of the property may request a hearing in district court to contest any matter regarding the sale of the property.

~~(4) Before the sheriff or constable sells the property at public auction, the sheriff or constable shall give notice of the sale to the owner or person at whose request the work, labor, or services were performed or the feed~~

~~or material was furnished.~~

~~(a) Notice to the owner must be given at least 10 days before the sale.~~

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~~(iii) a description of the property;~~

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~~(c) The notice may be given by personal service or by mailing by certified mail a copy of the notice to the last-known post-office address of the owner or person who contracted for the work, labor, or services performed or the feed or material furnished.~~

~~(d) If the sheriff or constable is not able to effect personal service or service by mail because the location and mailing address of the owner or the contracting person are unknown, the sheriff or constable may give notice by posting notice of the sale in three public places in the county in which the property is located.~~

~~(5)~~(8) The sheriff shall apply the proceeds of the sale to the discharge of the lien and the cost of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or a part that is required to discharge the claims, must be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against the property, and the balance of the proceeds must be turned over to the owner of the property.

~~(6) However, before seizing any property under the provisions of this section, the sheriff may require an indemnity bond from the lienor that may not exceed double the amount of the claim against the property. The bond and the surety or sureties on the bond must be approved by the sheriff.~~"

NEW SECTION. **Section 2. Effective date.** [This act] is effective ~~on passage and approval~~ JULY 1, 2013.

NEW SECTION. **Section 3. Applicability.** [This act] applies to all proceedings and actions initiated on or after [the effective date of this act].

- END -

AN ACT REVISING MONTANA'S AGISTERS' LIEN ENFORCEMENT LAWS TO CONFORM WITH THE DUE PROCESS PROVISIONS OF THE MONTANA AND THE UNITED STATES CONSTITUTIONS; PROVIDING THAT THE PERSON WHO OWNS PROPERTY THAT IS SUBJECT TO THE LIEN BE PROVIDED A PROCESS FOR NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO THE PROPERTY BEING SOLD; AMENDING SECTION 71-3-1203, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

WHEREAS, Article II, section 17, of the Montana Constitution provides "No person shall be deprived of life, liberty, or property without due process of law" and Section 1 of the Fourteenth Amendment to the United States Constitution provides "nor shall any State deprive any person of life, liberty, or property, without due process of law"; and

WHEREAS, in light of these constitutional due process provisions, the United States District Court for the District of Montana in Cox v. Yellowstone County, 795 F. Supp. 2d 1128 (2011), held that the Court "can conceive of no set of circumstances under which Montana's agisters' lien statute could pass constitutional muster in view of procedural due process requirements. Particularly, the need to provide a meaningful opportunity to be heard prior to a government deprivation of property"; and

WHEREAS, the Court in Cox v. Yellowstone County further held that "the enforcement provision of Montana's agisters' lien statute, Mont. Code Ann. § 71-3-1203, is unconstitutional as written"; and

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(3) (a) If satisfactory, the court shall order the owner of the property to show cause why the property should not be sold pursuant to the procedures in this section. The order must include the date and time for a hearing. The hearing may not be held more than 20 working days after the date of the issuance of the order.

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~~(2)~~(5) Upon receipt of the ~~affidavit~~ court's lien enforcement judgment, the sheriff ~~or constable~~ shall ~~proceed to~~ advertise and sell at public auction as much of the property covered by the lien as will satisfy the lien.

~~(3)~~(6) The sale must be advertised, conducted, and held in the same manner as prescribed in 25-13-701(1)(b).

(7) The owner of the property may request a hearing in district court to contest any matter regarding the sale of the property.

~~(4) Before the sheriff or constable sells the property at public auction, the sheriff or constable shall give~~

~~notice of the sale to the owner or person at whose request the work, labor, or services were performed or the feed or material was furnished.~~

~~(a) Notice to the owner must be given at least 10 days before the sale.~~

~~(b) The notice must state:~~

~~(i) the time and place of the sale;~~

~~(ii) the amount of the claim against the property;~~

~~(iii) a description of the property;~~

~~(iv) the name of the owner or person who contracted for the services or materials; and~~

~~(v) the name of the person claiming the lien.~~

~~(c) The notice may be given by personal service or by mailing by certified mail a copy of the notice to the last-known post-office address of the owner or person who contracted for the work, labor, or services performed or the feed or material furnished.~~

~~(d) If the sheriff or constable is not able to effect personal service or service by mail because the location and mailing address of the owner or the contracting person are unknown, the sheriff or constable may give notice by posting notice of the sale in three public places in the county in which the property is located.~~

~~(5)~~(8) The sheriff shall apply the proceeds of the sale to the discharge of the lien and the cost of the proceedings in selling the property and enforcing the lien, and the remainder, if any, or a part that is required to discharge the claims, must be turned over by the sheriff to the holders, in the order of their precedence, of the chattel mortgages or other lien claimants of record against the property, and the balance of the proceeds must be turned over to the owner of the property.

~~(6) However, before seizing any property under the provisions of this section, the sheriff may require an indemnity bond from the lienor that may not exceed double the amount of the claim against the property. The bond and the surety or sureties on the bond must be approved by the sheriff.~~"

Section 2. Effective date. [This act] is effective July 1, 2013.

Section 3. Applicability. [This act] applies to all proceedings and actions initiated on or after [the effective date of this act].

- END -

I hereby certify that the within bill,

HB 0462, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day

of _____, 2013.

President of the Senate

Signed this _____ day

of _____, 2013.

HOUSE BILL NO. 462

INTRODUCED BY D. JONES, KNUDSEN, C. SMITH

AN ACT REVISING MONTANA'S AGISTERS' LIEN ENFORCEMENT LAWS TO CONFORM WITH THE DUE PROCESS PROVISIONS OF THE MONTANA AND THE UNITED STATES CONSTITUTIONS; PROVIDING THAT THE PERSON WHO OWNS PROPERTY THAT IS SUBJECT TO THE LIEN BE PROVIDED A PROCESS FOR NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO THE PROPERTY BEING SOLD; AMENDING SECTION 71-3-1203, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 19, 2013 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. David Halvorson (R)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Virginia Court (D)
Rep. Jenifer Gursky (D)
Rep. Ellie Boldman Hill (D)
Rep. Wendy Warburton (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:
Hearing & Date Posted: HB 459, 2/13/2013; HB 462, 2/13/2013; HB 481, 2/15/2013; HB 514, 2/18/2013; HB 515, 2/18/2013

00:16:12 Chairman Kerns

HEARING ON HB 481

Opening Statement by Sponsor:
00:18:54 Rep. Edith (Edie) McClafferty (D), HD 75, opened the hearing on HB 481, Prohibit discrimination of gender identity /expression and sexual orientation.
00:19:57 Rep. Gursky arrived.

Proponents' Testimony:
00:21:09 Roberta Zenker, Self
00:22:18 Denise Juneau, Superintendent, Office of Public Instruction (OPI)
00:23:19 Lyle Hamilton, Self
00:25:45 Chelsea Rice, Self
00:27:17 Judy Fjell, Self
EXHIBIT(juh37a01)
00:29:05 Tom Gocksch, Self
00:30:23 Kevin Hamm, Self
00:31:04 Kellie Goodwin McBride, Young Women's Christian Association (YWCA) of Helena
00:32:02 Rev. Cathy Barker, Self
00:32:36 Niki Zupanic, American Civil Liberties Union (ACLU) Montana
00:33:33 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
00:33:55 Kim Leighton, National Association for the Repeal of Abortion Laws (NARAL) Pro-Choice Montana
EXHIBIT(juh37a02)
00:34:42 Jamee Greer, Montana Human Rights Network
EXHIBIT(juh37a03)
00:35:05 John Bowenhollow, Self
00:35:36 Amanda Armstrong, Self
EXHIBIT(juh37a04)
00:36:39 Dawn Lockwood, Self
EXHIBIT(juh37a05)

Opponents' Testimony:
00:37:29 Dallas Erickson, Montana Citizens for Decency Through Law
EXHIBIT(juh37a06)
00:44:08 Dave Wood, Self
00:44:31 Vincent Vaccaro, Self

Informational Testimony: None

Questions from Committee Members and Responses:
00:46:49 Rep. MacDonald
00:47:11 Ms Zupanic, ACLU
00:50:19 Rep. O'Neil
00:51:45 Rep. McClafferty
00:52:07 Rep. Doane
00:52:27 Rep. McClafferty

00:52:45 Ms Zupanic, ACLU
00:52:48 Rep. Doane
00:53:54 Ms Zupanic, ACLU

Closing by Sponsor:
00:56:03 Rep. McClafferty
EXHIBIT(juh37a07)

HEARING ON HB 514

Opening Statement by Sponsor:
00:58:01 Rep. Mary McNally (D), HD 49, opened the hearing on HB 514, Revise laws related to qualification/evaluation of prospective law enforcement.

Proponents' Testimony:
01:00:31 Hal Harper, Chair, Public Safety Officer Standards & Training (POST) Council

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:02:59 Chairman Kerns
01:03:14 Mr. Harper, POST
01:03:51 Rep. Lynch
01:04:06 Mr. Harper, POST

Closing by Sponsor:
01:04:34 Rep. McNally

HEARING ON HB 515

Opening Statement by Sponsor:
01:05:18 Rep. Bill Harris (R), HD 30, opened the hearing on HB 515, Require disclosure of financial support in certain civil suits.
EXHIBIT(juh37a08)

Proponents' Testimony:
01:10:26 Tim Ravndal, Self

Opponents' Testimony:
01:11:55 Derf Johnson, Montana Environmental Information Center (MEIC)
01:19:43 Clayton Elliott, Northern Plains Resource Council (NPRC)

Informational Testimony: None

Questions from Committee Members and Responses:
01:20:47 Rep. O'Neil
01:21:26 Mr. Johnson, MEIC
01:21:59 Rep. O'Neil

01:22:08 Mr. Johnson, MEIC
01:22:50 Rep. Doane
01:23:02 Mr. Johnson, MEIC
01:23:34 Rep. Eck
01:24:10 Rep. Harris
01:24:54 Rep. Eck
01:25:11 Rep. Harris
01:25:52 Rep. MacDonald
01:26:40 Rep. Harris
01:27:12 Rep. Court
01:28:11 Rep. Harris
01:29:42 Rep. Lynch
01:30:14 Rep. Harris
01:31:34 Rep. Lynch
01:32:22 Rep. Harris
01:32:56 Rep. Court
01:33:23 Rep. Harris

Closing by Sponsor:
01:33:32 Rep. Harris

HEARING ON HB 462

Opening Statement by Sponsor:
01:34:22 Rep. Donald Jones (R), HD 56, opened the hearing on HB 462, Revise lien laws for due process considerations.

Proponents' Testimony:
01:35:17 Dave Wood, Self
01:35:48 Vincent Vaccaro, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:36:22 Rep. Lenz
01:36:34 Rep. Jones
01:37:33 Rep. Eck
01:37:57 Rep. Jones
01:38:50 Rep. MacDonald
01:39:22 Rep. Jones
01:39:46 Rep. Court
01:40:07 Rep. Jones
01:41:54 Rep. Halvorson
01:42:54 Rep. Jones

Closing by Sponsor:
01:43:36 Rep. Jones

HEARING ON HB 459

Opening Statement by Sponsor:
01:44:10 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 459, Revise privacy laws related to medical treatment and firearms.
EXHIBIT(juh37a09)

Proponents' Testimony:
01:46:58 Doug Nulle, Montana Shooting Sports Association (MSSA)
01:48:50 Tim Ravndal, Oath Keepers and The Order of Constitutional Defenders
01:51:29 Vincent Vaccaro, Self
01:53:17 Dave Wood, Self

Opponents' Testimony:
01:55:10 John Bowenhollow, Self

Informational Testimony: None

Questions from Committee Members and Responses:
01:59:39 Rep. MacDonald
02:00:09 Rep. Kerns
02:00:41 Rep. MacDonald
02:01:01 Rep. Wagoner
02:01:42 Rep. Kerns
02:01:53 Rep. Eck
02:02:12 Rep. Kerns
02:02:47 Rep. Court
02:03:08 Rep. Kerns
02:03:14 Rep. Court
02:04:02 Rep. Kerns
02:04:41 Rep. Smith
02:04:59 Rep. Kerns
02:05:16 Rep. Smith
02:05:35 Vice Chairman Bennett
02:05:44 Rep. Smith
02:05:52 Rep. MacDonald
02:06:20 Rep. Kerns
02:07:05 Rep. MacDonald
02:07:30 Rep. Kerns
02:08:05 Rep. Lynch
02:08:25 Rep. Kerns
02:08:43 Rep. Lynch
02:09:18 Rep. Kerns
02:09:52 Vice Chairman Bennett
02:10:37 Rep. Kerns

Closing by Sponsor:
02:10:58 Rep. Kerns

02:12:08	Chairman Kerns
02:13:17	Rep. Halvorson
02:13:54	Chairman Kerns
02:14:04	Rep. Pease-Lopez

ADJOURNMENT

Adjournment: 02:14:34

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT(juh37aad.pdf)

Montana State Legislature

2013 Session

Additional Documents include:

***Business Report**
***Roll Call- attendance**
***Standing Committee Reports,**
***Table Bills, Fiscal reports etc.**
***Roll Call Votes**
***Witness Statements**
***Informational items**
***Visitor Registrations**
***Any other Documents;**
~Petitions if any?
~Any and all material handed in after the meeting end.

The original is on file at the Montana Historical Society and may be viewed there.

Montana Historical Society Archives
225 N. Roberts
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BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, February 19, 2013
Place: Capitol

Time: 8:00 AM
Room: 137

BILLS and RESOLUTIONS HEARD:

HB 459 - Revise privacy laws related to medical treatment and firearms - Rep. Krayton Kerns
HB 462 - Revise lien laws for due process considerations - Rep. Donald Jones
HB 481 - Prohibit discrimination of gender identity /expression and sexual orientation - Rep. Edith (Edie) McClafferty
HB 514 - Revise laws related to qualification/evaluation of prospective law enforcement - Rep. Mary McNally
HB 515 - Require disclosure of financial support in certain civil suits - Rep. Bill Harris

EXECUTIVE ACTION TAKEN: None

Comments:

Krayton Kerns

REP. Krayton Kerns, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 2/19/2013

NAME	PRESENT	ABSENT/ EXCUSED
REP. JERRY BENNETT, VICE CHAIR	X	
REP. MARGIE MACDONALD, VICE CHAIR	X	
REP. ALAN DOANE	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. KEITH REGIER	X	
REP. VIRGINIA COURT		X
REP. CLAYTON FISCUS	X	
REP. BRIDGET SMITH	X	
REP. DENNIS LENZ	X	
REP. JENNY ECK	X	
REP. KIRK WAGONER	X	
REP. SARAH LASZLOFFY	X	
REP. WENDY WARBURTON		e/c
REP. ELLIE BOLDMAN HILL		X
REP. JERRY O'NEIL	X	
REP. JENIFER GURSKY		X
REP. DAVID HALVORSON	X	
REP. RYAN LYNCH	X	
REP. MARK BLASDEL		e/c
REP. KRAYTON KERNS, CHAIR	X	

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 481 - Prohibit discrimination of gender identity /expression and sexual orientation
Sponsor: **Rep. Edith (Edie) McClafferty**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Lyle Hamilton	MT-HumanRights	X		
Dallas Ericsson	MCDL		X	
JameeGreer	MHRN	X		
John Ilgenfritz	Myself	X		
Kellie McBride	YWCA of Helena	X		
Zoe McBride	Myself	X		
Kim Leighton	NARAL Pro-Choice MT	X		
Roberta Zenker	Self	X		
Kelyn King	Self	X		
Thomas Gocksch	Self	X		
Kate McCombs	YWCA of Helena/Self	X		
Mikki Zupanic	ACLU of Montana			
Sara Rossi	MCADSV	X		
Amanda Armstrong	self	X		
Rev. Cathy Barker	self	X		
JOHN BOHLEN	Self	X		
DAVE WOOD	SELF		X	
Jennifer Hill-Hart	self	X		
Lindsay Love	PPMT	X		
Chelsea Rice	Self	X		
Lynsey Bowlle	Blue Mtn Clinic	X		
Grace Kushner	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 481 - Prohibit discrimination of gender identity /expression and sexual orientation
Sponsor: **Rep. Edith (Edie) McClafferty**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Sandy Shully	Self	X		
Dana Lockwood	Self	X		
Emily Likins	University of Montana	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 514 - Revise laws related to qualification/evaluation of prospective law enforcement
Sponsor: **Rep. Mary McNally**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Hal Harper	POST	✓		
Judy Fjell	self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 515 - Require disclosure of financial support in certain civil suits
Sponsor: **Rep. Bill Harris**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Clayton Elliott	Nathan Plains		X	
Jeff Johnson	MEIC		X	
Jon Bennett	self	X		
Vince Yaun	self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 462 - Revise lien laws for due process considerations
Sponsor: **Rep. Donald Jones**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
DAVE WOOD	SELF	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Tuesday, February 19, 2013
HB 459 - Revise privacy laws related to medical treatment and firearms
Sponsor: **Rep. Krayton Kerns**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Tim Ravndal	OATH Keepers/Coast Def	X		
Vincent Vaccaro	Self	X		
John Bouchallow	self		X	
DAVE WOOD	SELF	X		
Patricia Wood	self	X		
Doug NULLE	MSSA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 20, 2013 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Wendy Warburton (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 433, 2/13/2013; HB 504, 2/18/2013; HB 505, 2/15/2013; HB 522, 2/18/2013
Executive Action:	HB 369, HB 385, HB 391, HB 438, HB 459, HB 462, HB 514, HB 515

00:14:54 Chairman Kerns

HEARING ON HB 433

Opening Statement by Sponsor:
00:16:54 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 433, Generally revise laws regarding registration of sexual and violent offenders.

Proponents' Testimony:
00:18:00 John Parker, Cascade County Attorney for the Montana County Attorneys Association (MCAA)
00:21:53 Derek VanLuchene, Ryan United
00:25:31 Leo Gallagher, Lewis and Clark County Attorney
00:27:38 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
00:28:03 Abigail St. Lawrence, Montana Association of Churches (MAC)
00:29:18 Larry Epstein, Montana Association of Chiefs of Police (MACOP)
00:29:40 Jon Bennion, Attorney General's Office (AG)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
00:30:27 Rep. MacDonald
00:32:17 Mr. Parker, MCAA
00:33:39 Rep. Bennett
00:34:15 Mr. Parker, MCAA
00:34:49 Rep. Lynch
00:35:14 Mr. Parker, MCAA
00:35:51 Rep. Lenz
00:36:15 Mr. Parker, MCAA
00:37:00 Rep. Smith
00:37:22 Mr. Parker, MCAA
00:38:11 Rep. O'Neil
00:38:39 Mr. Parker, MCAA
00:39:22 Chairman Kerns
00:39:33 Mr. Parker, MCAA

Closing by Sponsor:
00:40:15 Rep. O'Hara

HEARING ON HB 504

Opening Statement by Sponsor:
00:40:58 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HB 504, Revise laws regarding attorneys representing children in abuse and neglect cases.
EXHIBIT(juh38a01)
EXHIBIT(juh38a02)

Proponents' Testimony: None

Opponents' Testimony:
00:49:59 William Hooks, Chief Public Defender, Office of Public Defender (OPD)
00:55:44 Bruce Spencer, State Bar of Montana

Informational Testimony:
00:57:38 Wade Zolynski, Chief Appellate Defender, Office of Public Defender (OPD)
00:58:06 Mark Murphy, Montana County Attorneys Association (MCAA)
00:59:02 Elaine Dahl, Montana Legal Services
00:59:29 Beth McLaughlin, Administrator, Supreme Court

Questions from Committee Members and Responses:
00:59:54 Rep. O'Neil
01:00:05 Rep. Dudik
01:00:23 Chairman Kerns
01:00:34 Rep. Gursky
01:01:21 Rep. Dudik
01:03:19 Rep. Bennett
01:03:32 Rep. Dudik
01:04:54 Rep. Doane
01:05:18 Rep. Dudik

Closing by Sponsor:
01:06:22 Rep. Dudik

HEARING ON HB 522

Opening Statement by Sponsor:
01:09:17 Rep. Nicholas Schwaderer (R), HD 14, opened the hearing on HB 522, Prohibit state cooperation with federal officials regarding indefinite detention.

Proponents' Testimony:
01:13:21 Niki Zupanic, American Civil Liberties Union (ACLU) of Montana
01:16:20 Tim Ravndal, Oath Keepers and The Order of Constitutional Defenders

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:
01:20:28 Rep. MacDonald
01:21:42 Ms Zupanic, ACLU
01:22:38 Rep. Gursky left the meeting.
01:22:46 Rep. Pease-Lopez left the meeting.
01:20:10 Rep. Schwaderer
01:25:13 Matthew J. Beard, Self

Closing by Sponsor:
01:25:54 Rep. Schwaderer

01:27:32 Recessed.
01:40:34 Reconvened with Rep. Gursky and Rep. Lynch absent.

HEARING ON HB 505

Opening Statement by Sponsor:
01:41:10 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 505, Clarify offense of aiding or soliciting suicide.
01:41:49 Rep. Lynch returned.

Proponents' Testimony:
01:42:44 Michael Cox, St. Patrick's Hospital and St. Joseph Medical Center, Providence Health and Services
EXHIBIT(juh38a03)
01:45:34 Margaret Dore, Attorney, Choice is an Illusion
EXHIBIT(juh38a04)
EXHIBIT(juh38a05)
EXHIBIT(juh38a06)
01:48:28 Bradley Williams, Montanans Against Assisted Suicide
EXHIBIT(juh38a07)
EXHIBIT(juh38a08)
EXHIBIT(juh38a09)
01:51:23 Annie Bukacek, Self
01:54:19 Berniece Stulc, Self
EXHIBIT(juh38a10)
01:57:00 Garnett Rope, Self
EXHIBIT(juh38a11)
EXHIBIT(juh38a12)
01:58:11 Christina Hayden, Self
EXHIBIT(juh38a13)
01:58:53 Jeff Laszloffy, Montana Family Foundation (MFF)
01:59:15 Marjory McCaffery, Self
EXHIBIT(juh38a14)
02:01:29 Cort Freeman, Self
02:02:13 Rep. Gursky returned to the meeting.
02:02:26 Cindy Perdue-Dolan, Self
02:03:29 Dr. David Hafer, Christian Medical and Dental Associations (CMDA)
EXHIBIT(juh38a15)
02:03:52 Ted Friesen, Self
EXHIBIT(juh38a16)
02:04:25 Luke Rope, Self
02:04:59 Bennington Ward, Self
02:05:41 Mary McCracken, Self
02:05:58 Robert Stulc, Self
02:06:28 Bobbie Hafer, (CMDA)
EXHIBIT(juh38a17)
02:07:56 Dr. Dan O'Neill, Self

02:08:48 Moe Wosepka, Montana Catholic Conference (MCC) and Bishops
EXHIBIT(juh38a18)
EXHIBIT(juh38a19)
02:09:20 Melda Freeman, Self
02:09:49 Mike Foster, Catholic Hospitals in Montana

Opponents' Testimony:
02:10:29 Roberta King, Self
02:13:38 Mark Connell, Self
02:18:24 Kenneth Eden, Self
02:21:14 Ron Waterman, Self
EXHIBIT(juh38a20)
02:22:52 Niki Zupanic, American Civil Liberties Union (ACLU) of Montana
02:24:48 Doris Fischer, Self
EXHIBIT(juh38a21)
02:27:51 Jane Jelinski, Self
EXHIBIT(juh38a22)
02:28:53 Betty Stroock, Self
02:32:38 Dustin Hankinson, Disability Rights
02:38:08 Karen Nelson, Self
EXHIBIT(juh38a23)
02:38:30 Maren Keener, Self
02:40:39 John Wilkinson, Montana Chapter, National Association of Social Workers (NASW)
02:41:13 Sen. Dick Barrett, SD47
02:42:36 Mary Douglass, Self
02:43:48 Jane Hamman, Self
02:44:11 David Cooper, Self
02:44:47 Mignon Waterman, Self
02:46:13 Janet Hess-Herbert, Self

Informational Testimony:
02:47:04 Philip Tummarello, Self
EXHIBIT(juh38a24)
02:48:00 Vice Chairman Bennett
02:48:07 Mr. Tummarello, Self
02:48:12 Vice Chairman Bennett
02:48:29 Mr. Tummarello, Self
02:49:55 Vice Chairman Bennett
02:50:12 Mr. Tummarello, Self
02:50:31 Rep. MacDonald
02:50 58 Vice Chairman Bennett

Questions from Committee Members and Responses: None

Closing by Sponsor:
02:51:43 Rep. Kerns

EXHIBIT(juh38a25)

EXECUTIVE ACTION ON HB 369

02:56:22 **Motion:** Rep. G. Bennett moved that **HB 369 DO PASS**.

02:56:42 **Motion:** Rep. G. Bennett moved that **HB 369 BE AMENDED**.
EXHIBIT(juh38a26)

Discussion:
02:57:11 Ms Thigpen, Legislative Services Division (LSD)
02:57:47 Rep. O'Neil
02:58:01 Ms Thigpen, LSD
02:58:11 Rep. O'Neil
02:58:30 Ms Thigpen, LSD

02:58:46 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Warburton voted by proxy.

02:59:08 **Motion/Vote:** Rep. G. Bennett moved that **HB 369 DO PASS AS AMENDED**. Motion carried 17-3 by voice vote with Rep. Eck, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 385

03:00:04 **Motion:** Rep. G. Bennett moved that **HB 385 DO PASS**.

03:00:17 **Motion:** Rep. G. Bennett moved that **HB 385 BE AMENDED**.
EXHIBIT(juh38a27)

Discussion:
03:00:42 Ms Thigpen, LSD
03:02:46 Rep. Gursky
03:03:27 Ms Thigpen, LSD
03:03:44 Rep. Gursky
03:04:05 Ms Thigpen, LSD
03:04:22 Rep. MacDonald
03:05:02 Ms Thigpen, LSD
03:05:25 Rep. Court
03:06:15 Rep. Wagoner

03:07:15 **Vote:** Motion carried 13-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

03:08:27 **Motion:** Rep. G. Bennett moved that **HB 385 DO PASS AS AMENDED**.

Discussion:
03:08:32 Rep. MacDonald
03:08:52 Ms Thigpen, LSD
03:10:06 Rep. Fiscus
03:10:08 Rep. O'Neil

03:10:21 **Vote:** Motion carried 13-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 391

03:11:28 **Motion/Vote:** Rep. G. Bennett moved that **HB 391 DO PASS**. Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 438

03:13:12 **Motion:** Rep. G. Bennett moved that **HB 438 DO PASS**.

Discussion:
03:13:18 Rep. MacDonald
03:13:56 Rep. Doane

03:14:13 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 459

03:15:29 **Motion:** Rep. G. Bennett moved that **HB 459 DO PASS**.

Discussion:
03:15:42 Rep. MacDonald
03:17:20 Rep. Court
03:18:08 Rep. Bennett
03:18:33 Rep. Lenz
03:19:16 Rep. Wagoner
03:19:37 Rep. Court
03:20:10 Chairman Kerns
03:20:13 Rep. MacDonald
03:21:59 Rep. Fiscus

03:22:37 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 462

03:23:47 **Motion:** Rep. G. Bennett moved that **HB 462 DO PASS**.
EXHIBIT(juh38a28)

03:24:04 **Motion/Vote:** Rep. Lenz moved that **HB 462 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Warburton voted by proxy.

03:24:53 **Motion:** Rep. G. Bennett moved that **HB 462 DO PASS AS AMENDED**.

Discussion:
03:25:01 Rep. MacDonald
03:25:50 Chairman Kerns

03:26:10 **Vote:** Motion carried 17-3 by roll call vote with Rep. Gursky, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 514

03:27:24 **Motion/Vote:** Rep. G. Bennett moved that **HB 514 DO PASS**. Motion failed 9-11 by roll call vote with Rep. Bennett, Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel and Rep. Warburton voted by proxy.

03:29:07 **Motion/Vote:** Rep. G. Bennett moved that **HB 514 BE TABLED AND THE VOTE REVERSED**. Motion carried 18-0 by voice vote of those present and voting.

EXECUTIVE ACTION ON HB 515

03:29:27 **Motion:** Rep. G. Bennett moved that **HB 515 DO PASS**.

Discussion:
03:29:47 Rep. Doane
03:30:17 Rep. MacDonald
03:31:10 Rep. O'Neil
03:32:17 Rep. Wagoner
03:33:09 Rep. Fiscus

03:33:48 **Vote:** Motion carried 11-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. O'Neil, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

03:34:56 Rep. Gursky
03:35:46 Chairman Kerns
03:36:57 Rep. Hill
03:37:13 Rep. MacDonald

ADJOURNMENT

Adjournment: 03:37:39

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT(juh38aad.pdf)

EXHIBIT 28
DATE 2/20/2013
HB 462

Amendments to House Bill No. 462
1st Reading Copy

Requested by Representative Donald Jones

For the House Judiciary Committee

Prepared by Helen Thigpen
February 19, 2013 (7:08am)

1. Title, page 1, line 8.
Strike: "IMMEDIATE"

2. Page 3, line 24.
Strike: "on passage and approval"
Insert: "July 1, 2013"

- END -

Montana State Legislature

2013 Session

Additional Documents include:

***Business Report**
***Roll Call - attendance**
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***Any other Documents;**
~Petitions if any?
~Any and all material handed in after the meeting end.

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Montana Historical Society Archives
225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Wednesday, February 20, 2013 **Time:** 8:00 AM
Place: Capitol **Room:** 137

BILLS and RESOLUTIONS HEARD:

HB 433 - Generally revise laws regarding registration of sexual and violent offenders - Rep. Jesse O'Hara
HB 504 - Revise laws regarding attorneys representing children in abuse and neglect cases - Rep. Kimberly Dudik
HB 505 - Clarify offense of aiding or soliciting suicide - Rep. Krayton Kerns
HB 522 - Prohibit state cooperation with federal officials regarding indefinite detention - Rep. Nicholas Schwaderer

EXECUTIVE ACTION TAKEN:

HB 369	Do pass as amended
HB 385	Do pass as amended
HB 391	Do pass
HB 438	Do pass
HB 459	Do pass
HB 462	Do pass as amended
HB 514	Tabled
HB 515	Do pass

Comments:

Krayton Kerns
REP. Krayton Kerns, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 2/20/2013

NAME	PRESENT	ABSENT/ EXCUSED
REP. JERRY BENNETT, VICE CHAIR	X	
REP. MARGIE MACDONALD, VICE CHAIR	X	
REP. ALAN DOANE	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. KEITH REGIER	X	
REP. VIRGINIA COURT	X	
REP. CLAYTON FISCUS	X	
REP. BRIDGET SMITH	X	
REP. DENNIS LENZ	X	
REP. JENNY ECK	X	
REP. KIRK WAGONER	X	
REP. SARAH LASZLOFFY	X	
REP. WENDY WARBURTON		exc
REP. ELLIE BOLDMAN HILL	X	
REP. JERRY O'NEIL	X	
REP. JENIFER GURSKY	X	
REP. DAVID HALVORSON	X	
REP. RYAN LYNCH	X	
REP. MARK BLASDEL		exc
REP. KRAYTON KERNS, CHAIR	X	

HOUSE STANDING COMMITTEE REPORT

February 20, 2013

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 369** (first reading copy -- white) **do pass as amended.**

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 8.
Following: "COURT;"
Insert: "REQUIRING A PARTY TO PAY DISTRICT COURT FEES UPON REMOVAL;"

2. Page 1, following line 28.
Insert: "(c) Upon receiving notice of removal, the justices' court, municipal court, city court, or small claims division of a justices' court shall immediately transmit the pleadings and all papers in the action to the clerk of the district court."

3. Page 1, following line 30.
Insert: "(5) A party who files a notice to remove a civil action to district court under this section shall pay all costs and fees of filing the papers in the district court pursuant to 25-1-201."

- END -

Committee Vote:
Yes 17, No 3
Fiscal Note Required __

HB0369001SC.hjk

2-20-13 DC
12:50

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 385** (first reading copy -- white) **do pass as amended.**

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Page 3, line 28.
Following: "~~part 4~~"
Insert: ", including but not limited to any of the following activities:
(a) criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;
(b) operation of an unlawful clandestine laboratory as prohibited by 45-9-132;
(c) gang-related activities as prohibited by Title 45, chapter 8, part 4;
(d) unlawful possession of a firearm, explosive, or hazardous or toxic substance; or
(e) any activity that is otherwise prohibited by law"

2. Page 4, line 26.
Following: "rental agreement"
Insert: "immediately"

3. Page 4, line 27.
Strike: "3 days'"

4. Page 4, following line 27.
Insert: "(5) If a tenant violates the provisions of 70-24-321(3) and written notice specifying the violation has been provided to the court, the court shall within 24 hours of receiving notice issue an order for possession in favor of the landlord and a writ of assistance to the county sheriff

Committee Vote:
Yes 13, No 7
Fiscal Note Required __

HB0385001SC.hjk

2-20-13 DC
12:50

to deliver possession to the landlord."
Renumber: subsequent subsections

5. Page 4, line 30.
Strike: "(6)"
Insert: "(7)"

6. Page 5, line 9.
Strike: "20"
Insert: "3 business"

7. Page 5, line 13.
Strike: "20"
Insert: "3 business"

8. Page 5, line 19.
Strike: "5"
Insert: "3 business"

- END -

HOUSE STANDING COMMITTEE REPORT

February 20, 2013

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 391** (first reading copy -- white) **do pass**.

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

- END -

Committee Vote:
Yes 12, No 8
Fiscal Note Required __

HB0391001SC.hjk

DC 2-20-13
12:20

HOUSE STANDING COMMITTEE REPORT

February 20, 2013

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 438** (first reading copy -- white) **do pass.**

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

- END -

Committee Vote:
Yes 12, No 8
Fiscal Note Required __

HB0438001SC.hjk

JC 2-20-13
12:20

HOUSE STANDING COMMITTEE REPORT

February 20, 2013

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 459** (first reading copy -- white) **do pass.**

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

- END -

Committee Vote:
Yes 12, No 8
Fiscal Note Required __

HB0459001SC.hjk

DC 2-20-13
12:20

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 462** (first reading copy -- white) **do pass as amended.**

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 8.
Strike: "IMMEDIATE"

2. Page 3, line 24.
Strike: "on passage and approval"
Insert: "July 1, 2013"

- END -

Committee Vote:
Yes 17, No 3
Fiscal Note Required __

HB0462001SC.hjk

2-20-13 DC
12:50

COMMITTEE FILE COPY

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The **HOUSE JUDICIARY COMMITTEE** TABLED
HB 514 - Revise laws related to qualification/evaluation of prospective law enforcement - Rep. Mary McNally
by motion, on **Wednesday, February 20, 2013**.

Karen Armstrong
(For the Committee)

DC
(For the Chief Clerk of the House)

12:20 / 2-20
(Time) (Date)

February 20, 2013 (11:36am) Karen Armstrong, Secretary Phone: 1862

HOUSE STANDING COMMITTEE REPORT

February 20, 2013

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 515** (first reading copy -- white) **do pass**.

Signed: Krayton Kerns
Representative Krayton Kerns, Chair

- END -

Committee Vote:
Yes 11, No 9
Fiscal Note Required __

HB0515001SC.hjk

DC 2-20-13
12:20

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/26/2013 BILL NO 385 MOTION NO. _____
MOTION: amendment

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		
REP. VIRGINIA COURT		X	
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP .WENDY WARBURTON	X		pr
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	
REP. MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		
	13	7	

MINUTES

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Jon Sonju, on March 15, 2013 at 9:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Jon Sonju, Chair (R)
Sen. Elsie Arntzen (R)
Sen. Debby Barrett (R)
Sen. Dee Brown (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Verdell Jackson, Vice Chair (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Kendall Van Dyk (D)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 545, 3/11/2013; HB 297, 3/11/2013; HB 462, 3/11/2013;
Executive Action:	HB 65 Be Concurred In As Amended; HB 323 Be Concurred In; HB 22 Be Concurred In As Amended

HEARING ON HB 545

Opening Statement by Sponsor:

00:11:45 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 545, Allow employer to fund total cost of qualifying employee's health insurance.

Proponents' Testimony:

00:13:02 Frank Cote, Blue Cross Blue Shield of Montana (BCBSMT)

Opponents' Testimony: None

Informational Testimony:

00:14:19 Adam Schafer, Office of Commissioner of Securities and Insurance, State Auditor (CSI)

Questions from Committee Members and Responses:

00:14:42 Sen. Brown
00:14:58 Mr. Cote, BCBSMT
00:15:59 Sen. Brown
00:16:29 Mr. Cote

Closing by Sponsor:

00:17:01 Rep. Reichner

HEARING ON HB 297

Opening Statement by Sponsor:

00:17:44 Rep. David Howard (R), HD 60, opened the hearing on HB 297, Provide that employment of an unauthorized alien is unlawful.
EXHIBIT(bus56a01)

Proponents' Testimony:

00:23:21 Brad Griffin, Montana Retail Association (MRA)
00:26:35 Sen. Moore entered the meeting.
00:28:48 Mark Baker, Kalispell Chamber of Commerce (KCC)
00:29:52 Cary Hegreberg, Montana Contractors Association (MCA)
00:31:37 Bruce Spencer, Montana Automobile Dealers Association (MADA)

Opponents' Testimony:

00:33:12 Shahid Haque-Hausrath, Immigration Attorney
EXHIBIT(bus56a02)

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:00 Sen. Stewart-Peregoy
00:45:47 Mr. Haque-Hausrath, Attorney
00:46:35 Sen. Stewart-Peregoy
00:46:48 Mr. Haque-Hausrath
00:47:44 Sen. Moore
00:48:31 Mr. Baker, KCC
00:50:56 Sen. Moore
00:51:20 Rep. Howard
00:52:55 Sen. Barrett
00:53:13 Mr. Haque-Hausrath
00:55:49 Sen. Barrett
00:55:58 Mr. Haque-Hausrath
00:56:16 Sen. Arntzen
00:57:11 Mr. Griffin, MMA
00:59:01 Sen. Arntzen
00:59:25 Mr. Griffin
00:59:37 Sen. Arntzen
01:00:08 Rep. Howard
01:01:31 Sen. Van Dyk entered the meeting.
01:02:32 Sen. Arntzen
01:02:43 Rep. Howard
01:02:48 Sen. Arntzen
01:02:53 Rep. Howard
01:03:04 Chairman Sonju
01:03:42 Rep. Howard
01:04:09 Sen. Jackson entered the meeting.
01:04:18 Chairman Sonju
01:04:35 Rep. Howard
01:04:39 Sen. Brown
01:05:02 Mr. Haque-Hausrath
01:09:04 Sen. Brown
01:09:14 Mr. Haque-Hausrath
01:10:13 Chairman Sonju
01:10:32 Rep. Howard
01:11:26 Chairman Sonju
01:11:47 Rep. Howard

Closing by Sponsor:

01:12:07 Rep. Howard

01:14:13 Recess
01:26:04 Reconvene

01:26:06 Sen. Facey entered the meeting.

HEARING ON HB 462

Opening Statement by Sponsor:

01:26:13 Rep. Donald Jones (R), HD 56, opened the hearing on HB 462, Revise lien laws for due process considerations.

Proponents' Testimony:

01:26:55 Bruce Spencer, Montana Automobile Dealers Association (MADA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:51 Sen. Brown
01:31:33 Mr. Spencer, MADA
01:31:50 Sen. Brown
01:32:04 Mr. Spencer
01:32:15 Sen. Arntzen
01:32:27 Mr. Spencer
01:32:56 Sen. Arntzen
01:33:12 Mr. Spencer

Closing by Sponsor:

01:34:35 Rep. Jones

EXECUTIVE ACTION ON HB 65

01:37:04 Melanie Hall, Commissioner of Banking and Financial Services (CBFS)

01:39:36 **Motion:** Sen. Facey moved that **HB 65 BE CONCURRED IN**.

Discussion:

01:39:47 Sen. Facey
01:40:07 Ms. Hall, CBFS
01:41:20 Sen. Facey
01:41:39 Ms. Hall

01:42:16 **Motion/Vote:** Sen. Jackson moved that **HB 65 BE** AMENDED. Motion carried 10-0 by voice vote.
EXHIBIT(bus56a03)

01:43:00 **Motion/Vote:** Sen. Facey moved that **HB 65 BE CONCURRED IN AS AMENDED**. Motion carried 10-0 by voice vote. Sen. Facey will carry the bill.

EXECUTIVE ACTION ON HB 232

01:44:24 **Motion:** Sen. Van Dyk moved that **HB 232 BE CONCURRED IN**.

Discussion:

01:44:39 Pat Murdo, Legislative Services Division (LSD)
01:45:43 Sen. Arntzen
01:45:57 Ms. Murdo, LSD
01:46:09 Sen. Arntzen
01:46:20 Ms. Murdo
01:46:43 Sen. Brown
01:47:03 Ms. Murdo
01:47:29 Sen. Facey

01:47:52 **Vote:** Motion carried 7-3 by roll call vote with Sen. Stewart-Peregoy, Sen. Van Dyk and Sen. Vuckovich voting no. Sen. Sonju will carry the bill.

EXECUTIVE ACTION ON HB 22

01:49:59 **Motion:** Sen. D. Brown moved that **HB 22 BE CONCURRED IN**.

Discussion:

01:50:34 Adam Schafer, Office of Commissioner of Securities and Insurance, State Auditor (CSI)
01:53:15 Sen. Arntzen
01:54:49 Mr. Schafer, CSI
01:56:44 Bruce Spencer, Property Casualty Insurers Association of American (PCIAA) and Allstate Insurance
01:57:48 Jacqueline Lenmark, American Insurance Association (AIA) and representing Greg VanHorsen, State Farm Insurance
01:58:10 Bob Biskupiak, Independent Insurance Agents' Association of Montana (IIAAMT)

02:00:42 **Motion:** Sen. D. Brown moved that **HB 22 BE AMENDED**.
EXHIBIT(bus56a04)

Discussion:

02:01:44 Sen. Vuckovich
02:02:32 Mr. Spencer, PCIAA
02:02:45 Sen. Vuckovich
02:02:52 Sen. Arntzen
02:03:18 Mr. Schafer, CSI
02:03:32 Mr. Biskupiak, IIAAMT
02:04:23 Sen. Arntzen
02:04:35 Mr. Biskupiak
02:05:14 Sen. Arntzen
02:05:23 Mr. Schafer

02:06:21 **Vote:** Motion failed 3-7 by roll call vote with Sen. Barrett, Sen. Jackson and Sen. Moore voting aye.

Discussion:

02:07:23 Frank Cote, Blue Cross Blue Shield Montana (BCBSMT)
02:08:47 Chairman Sonju
02:08:53 Ms. Murdo, Legislative Services Division, (LSD)
02:09:21 Chairman Sonju
02:09:24 Ms. Murdo, LSD

02:10:14 **Motion:** Sen. Jackson moved that **HB 22 BE AMENDED**.
EXHIBIT(bus56a05)

02:10:41 **Vote:** Motion carried 10-0 by voice vote.

02:10:49 **Motion:** Sen. Van Dyk moved that **HB 22 BE CONCURRED IN AS AMENDED**.

02:11:22 **Motion:** Sen. Van Dyk moved that **HB 22 BE AMENDED**.
EXHIBIT(bus56a06)

Discussion:

02:11:59 Ms. Murdo
02:12:27 Ms. Lenmark, AIA
02:14:08 Sen. Barrett

02:14:28 **Vote:** Motion carried 10-0 by voice vote.

02:14:33 **Motion:** Sen. Van Dyk moved that **HB 22 BE CONCURRED IN AS AMENDED**.

02:14:40 **Motion:** Sen. Van Dyk moved that **HB 22 BE AMENDED**.
EXHIBIT(bus56a07)

Discussion:

02:14:50 Ms. Lenmark
02:16:49 Sen. Brown
02:17:02 Ms. Lenmark

02:17:37 **Vote:** Motion carried 10-0 by voice vote.

02:17:45 **Motion/Vote:** Sen. Van Dyk moved that **HB 22 BE CONCURRED IN AS AMENDED**. Motion carried 10-0 by voice vote. Sen. Facey will carry the bill.

ADJOURNMENT

Adjournment: 11:17 a.m.

_____
Prudence Gildroy, Secretary

pg

Additional Documents:

Additional Documents:

EXHIBIT(bus56aad.pdf)

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLWING:

- Business Report
- Roll Call – Attendance
- Standing Committee Reports
- Tabled Bills
- Fiscal Reports etc.
- Roll Call Votes
- Informational Items
- Witness Statements
- Any Documents; such as;
  - *Petitions if any.
  - *Any and all material handed end after the meeting ends.

The original is on file at the Montana Historical Society and may be viewed there.

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2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Friday, March 15, 2013
Place: Capitol

Time: 9:00 AM
Room: 422

BILLS and RESOLUTIONS HEARD:

HB 297 - Provide that employment of an unauthorized alien is unlawful - Rep. David Howard
HB 462 - Revise lien laws for due process considerations - Rep. Donald Jones
HB 545 - Allow employer to fund total cost of qualifying employee's health insurance - Rep. Scott Reichner

EXECUTIVE ACTION TAKEN:

HB 65 BE CONCURRED IN AS AMENDED
HB ~~328~~ BE CONCURRED IN
HB 22 BE CONCURRED IN AS AMENDED

Comments:

SEN. Jon Sonju, Chair

MONTANA STATE SENATE
ROLL CALL
BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: March 15, 2013

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson		✓
Senator Facey		✓
Senator Arntzen	✓	
Senator Moore		✓
Senator Stewart-Peregoy	✓	
Senator Barrett	✓	
Senator Brown	✓	
Senator Van Dyk		✓
Senator Vuckovich	✓	
Chairman Sonju	✓	

10 Committee Members

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 65** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____
Senator Jon Sonju, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Title, page 1, lines 17 through 19.
Strike: "PROVIDING" on line 17 through "ACT;" on line 19

2. Page 2, lines 11 through 13.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

3. Page 3, line 15.
Strike: "to immediate family members"

4. Page 10, line 26 through page 11, line 3.
Strike: section 15 in its entirety
Renumber: subsequent sections

5. Page 11, line 11.
Strike: "[Sections 14 and 15] are"
Insert: "[Section 14] is"

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

HB0065001SC12553.swr

6. Page 11, line 12.
Strike: "[sections 14 and 15]"
Insert: "[section 14]"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 232** (third reading copy -- blue) **be concurred in**.

Signed: Verdell Jackson
Senator Jon Sonju, Chair

To be carried by Senator Jon Sonju

- END -

Committee Vote:
Yes 7, No 3
Fiscal Note Required __

HB0232001SC12983.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 22** (third reading copy -- blue) **be concurred in as amended**.

Signed: Verdell Jackson
Senator Jon Sonju, Chair

To be carried by Senator Tom Facey

And, that such amendments read:

1. Title, page 1, line 20.
Following: "BUSINESS;"
Insert: "ELIMINATING THE REQUIREMENT THAT INSURERS AND HEALTH SERVICE CORPORATIONS OFFER GROUP UNIFORM HEALTH BENEFIT COVERAGE;"

2. Title, page 1, line 22.
Strike: "33-20-509, 33-20-903,"

3. Page 20, line 26 through page 21, line 28.
Strike: sections 17 and 18 in their entirety
Renumber: subsequent sections

4. Page 1, line 23.
Following: "MCA;"
Insert: "REPEALING SECTION 33-22-522, MCA;"

5. Page 31.
Following: line 22
Insert: "NEW SECTION. **Section 22. Repealer.** The following section of the Montana Code Annotated is repealed:
33-22-522. Uniform health benefit plan -- group."
Renumber: subsequent section

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

HB0022001SC12553.swr

- END -

MONTANA STATE SENATE
ROLL CALL VOTE
BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: March 15, 2013 HB/SB # HB 232

NAME	YES	NO
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Arntzen	✓	
Senator Moore	✓	
Senator Stewart-Peregoy		✓
Senator Barrett	✓	
Senator Brown	✓	
Senator Van Dyk		✓
Senator Vuckovich		✓
Chairman Sonju	✓	

10 Committee Members

MONTANA STATE SENATE
ROLL CALL VOTE
BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: March 15, 2013 HB/SB # HB22

Amendment HB002204.apm

NAME	YES	NO
Vice Chair Jackson	✓	
Senator Facey		✓
Senator Arntzen		✓
Senator Moore	✓	
Senator Stewart-Peregoy		✓
Senator Barrett	✓	
Senator Brown		✓
Senator Van Dyk		✓
Senator Vuckovich		✓
Chairman Sonju		✓

10 Committee Members

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 15, 2013
HB 545 - Allow employer to fund total cost of qualifying employee's health insurance
Sponsor: **Rep. Scott Reichner**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Adam Schafer	CSI			X
Frank Cote	BCBS MT	X		
Riley Johnson	NFIB	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 15, 2013
HB 297 - Provide that employment of an unauthorized alien is unlawful
Sponsor: **Rep. David Howard**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
MARK BAKER	KALISPELL CHAMBER	✓		
SHAHID HAQVE-HANSRATH	MIJA		✓	
Bruce Spencer	MABA	✓		
Brad Griffin	MT Retail Asso	✓		
Riley Johnson	NFIB	✓		
Glenn Oppel	State Chamber	✓		
Cary Hegreberg	Contractors Asso.	✓		
Riley Johnson	NFIB	✓		
			✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 15, 2013
HB 462 - Revise lien laws for due process considerations
Sponsor: **Rep. Donald Jones**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bruce Spencer	MADA	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Amendments to House Bill No. 22
3rd Reading Copy

Requested by Senator Jon Sonju

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
March 15, 2013 (12:10pm)

1. Title, page 1, line 20.
Following: "BUSINESS;"
Insert: "ELIMINATING THE REQUIREMENT THAT INSURERS AND HEALTH SERVICE CORPORATIONS OFFER GROUP UNIFORM HEALTH BENEFIT COVERAGE;"

2. Title, page 1, line 22.
Strike: "33-20-509, 33-20-903,"

3. Page 20, line 26 through page 21, line 28.
Strike: sections 17 and 18 in their entirety
Renumber: subsequent sections

4. Page 1, line 23.
Following: "MCA;"
Insert: "REPEALING SECTION 33-22-522, MCA;"

5. Page 31.
Following: line 22
Insert: "NEW SECTION. **Section 22. {standard} Repealer.** The following section of the Montana Code Annotated is repealed:
33-22-522. Uniform health benefit plan -- group.
{Internal References to 33-22-522: None.}"
Renumber: subsequent section

- END -

ADDITIONAL DOCUMENTS

MINUTES

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Jon Sonju, on March 22, 2013 at 10:00 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Jon Sonju, Chair (R)
Sen. Verdell Jackson, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. Dee Brown (R)
Sen. Tom Facey (D)
Sen. Frederick (Eric) Moore (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Kendall Van Dyk (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Elsie Arntzen (R)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	HB 402, 3/18/13; SR 35, 3/19/13; SR 36, 3/19/13; SR 37, 3/19/13; SR 38, 3/19/13; SR 39, 3/19/13.
Executive Action:	HB 402, Be Concurred In; SR 35, Be Adopted; SR 36, Be Adopted; SR 37, Be Adopted; SR 38, Be Adopted; SR 39, Be Adopted; HB 127, Be Concurred In; HB 297, Be Concurred In As Amended; HB 462, Be Concurred In.

HEARING ON HB 402

Opening Statement by Sponsor:

00:18:05 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 402. License and regulate wineries selling and shipping wine directly to Montana consumers.
EXHIBIT(bus62a01)

Proponents' Testimony:

00:22:22 Mona Jamison, Wine Institute (WI)
EXHIBIT(bus62a02)

00:26:04 Bill Warden, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:42 Sen. Stewart-Peregoy
00:30:26 Rep. Hunter
00:31:11 Sen. Facey
00:31:35 Ms. Jamison, WI
00:32:05 Chairman Sonju
00:32:33 Rep. Hunter

Closing by Sponsor:

00:32:45 Rep. Hunter
00:33:23 Chairman Sonju
00:33:30 Sen. Brown
00:33:39 Chairman Sonju

00:33:53 Vice Chairman Jackson took over as Chair.

00:34:39 Sen. Facey

HEARING ON SR 35, SR 36, SR 37, SR 38, SR 39

Opening Statement by Sponsor:

00:34:43 Sen. Jon Sonju (R), SD 4, opened the hearing on the following: SR 35, Confirm appointees to the board of personnel appeals: SR 36, Confirm certain Governor's appointees related to professional and occupational boards: SR 37, Confirm Governor's appointees to research and commercialization technology board; SR 38, Confirm Governor's appointees to the board of banking; SR 39, Confirm Governor's appointees to the board of barbers and cosmetologists.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:37:27 Sen. Brown
00:38:10 Sen. Sonju
00:38:44 Sen. Facey
00:39:13 Pat Murdo
00:39:18 Sen. Brown
00:39:31 Pat Murdo, Legislative Services Division (LSD)

Closing by Sponsor:

00:39:50 Sen. Sonju

00:40:20 Chairman Sonju re-assumed the position of Chairman.

EXECUTIVE ACTION ON HB 402

00:40:45 **Motion/Vote:** Sen. Facey moved that **HB 402 BE CONCURRED IN**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy. Sen. Buttrey will carry the bill.

EXECUTIVE ACTION ON SR 35

00:41:13 **Motion/Vote:** Sen. Facey moved that **SR 35 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

EXECUTIVE ACTION ON SR 36

00:41:39 **Motion/Vote:** Sen. Facey moved that **SR 36 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

EXECUTIVE ACTION ON SR 37

00:41:53 **Motion/Vote:** Sen. Facey moved that **SR 37 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

EXECUTIVE ACTION ON SR 38

00:42:06 **Motion/Vote:** Sen. Facey moved that **SR 38 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

EXECUTIVE ACTION ON SR 39

00:42:18 **Motion/Vote:** Sen. Facey moved that **SR 39 BE ADOPTED**. Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

EXECUTIVE ACTION ON HB 127

00:42:58 Chairman Sonju
00:43:09 Pat Murdo, LSD

00:43:15 **Motion:** Sen. Facey moved that **HB 127 BE CONCURRED IN**.

Discussion:

00:43:58 Pat Murdo
00:44:54 Sen. Brown
00:45:32 Chairman Sonju
00:45:59 Sen. Jackson
00:46:15 Sen. Facey
00:46:24 Roy Mulvaney, Division Administrator, Department of Labor and Industry (DLI)

00:46:58 **Vote:** Motion carried 9-1 by voice vote with Sen. Moore voting no. Sen. Arntzen voted by proxy. Sen. Vuckovich will carry the bill.

EXECUTIVE ACTION ON HB 297

00:47:32 Chairman Sonju
00:47:49 Sen. Moore

00:48:13 **Motion:** Sen. F. Moore moved that **HB 297 BE CONCURRED IN**.

Discussion:

00:48:33 Pat Murdo

00:48:50 **Motion:** Sen. F. Moore moved that **HB 297 BE AMENDED**.
EXHIBIT(bus62a03)

Discussion:

00:49:07 Sen. Moore
00:52:36 Ms. Murdo
00:53:15 Sen. Moore
00:54:08 Sen. Facey

00:54:20 **Vote:** Motion carried 10-0 by voice vote. Sen. Arntzen voted by proxy.

00:54:35 **Motion:** Sen. Facey moved that **HB 297 BE CONCURRED IN AS AMENDED**.

Discussion:

00:54:53 Sen. Facey
00:55:25 Sen. Moore

00:55:55 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Van Dyk and Sen. Vuckovich voting no. Sen. Arntzen voted by proxy. Sen. Moore will carry the bill.

00:57:29 Sen. Arntzen entered the hearing.

EXECUTIVE ACTION ON HB 462

00:57:34 **Motion:** Sen. F. Moore moved that **HB 462 BE CONCURRED IN**.

Discussion:

00:57:52 Sen. Moore

00:58:35 **Vote:** Motion carried 10-0 by voice vote.

Discussion:

00:59:47 Sen. Brown
00:59:54 Sen. Facey
`

ADJOURNMENT

Adjournment: 10:47 A.M.

_____
Linda Keim, Secretary

lk

Additional Documents:

EXHIBIT(bus62aad.pdf)

Montana State Legislature

2013 Session

Additional Documents include:

***Business Report**
***Roll Call - attendance**
***Standing Committee Reports,**
***Table Bills, Fiscal reports etc.**
***Roll Call Votes**
***Witness Statements**
***Informational items**
***Visitor Registrations**
***Any other Documents;**
~Petitions if any?
~Any and all material handed in after the meeting end.

The original is on file at the Montana Historical Society and may be viewed there.

Montana Historical Society Archives
225 N. Roberts
Helena MT 59620-1201
2013 Legislative Scanner Susie Hamilton

BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Friday, March 22, 2013
Place: Capitol

Time: 10:30 A.M.
Room: 422

BILLS and RESOLUTIONS HEARD:

HB 402 - License and regulate wineries selling and shipping wine directly to MT consumers - Rep. Chuck Hunter
SR 35 - Confirm appointees to the board of personnel appeals - Sen. Jon Sonju
SR 36 - Confirm certain Governor's appointees related to prof and occupational boards - Sen. Jon Sonju
SR 37 - Confirm Governor's appointees to research & commercialization technology board - Sen. Jon Sonju
SR 38 - Confirm Governor's appointees to the board of banking - Sen. Jon Sonju
SR 39 - Confirm Governor's appointees to the board of barbers and cosmetologists - Sen. Jon Sonju

EXECUTIVE ACTION TAKEN:

HB 402 - Be Concurred In
SR 35, SR 36, SR 37, SR 38, SR39 - Be Adopted
HB 127 - Be Concurred In
HB 297 - Be Concurred In As Amended
HB 462 - Be Concurred In

Comments:

SEN. Jon Sonju, Chair

MONTANA STATE SENATE
ROLL CALL
BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22-, 2013

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair Jackson	✓	
Senator Facey	✓	
Senator Arntzen		✓
Senator Moore	✓	
Senator Stewart-Peregoy	✓	
Senator Barrett	✓	
Senator Brown	✓	
Senator Van Dyk	✓	
Senator Vuckovich	✓	
Chairman Sonju	✓	

10 Committee Members

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 402** (third reading copy -- blue) **be concurred in**.

Signed: Verdell Jackson
Senator Jon Sonju, Chair

To be carried by Senator Edward Buttrey

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

HB0402001SC12545.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Resolution 35** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Jon Sonju, Chair

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

SR0035002SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Resolution 36** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Jon Sonju, Chair

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

SR0036002SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Resolution 37** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Jon Sonju, Chair

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

SR0037002SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Resolution 38** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Jon Sonju, Chair

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

SR0038002SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Resolution 39** (first reading copy -- white) **be adopted**.

Signed: _____
Senator Jon Sonju, Chair

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

SR0039002SC.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 127** (third reading copy -- blue) **be concurred in**.

Signed: Verdell Jackson
Senator Jon Sonju, Chair

To be carried by Senator Gene Vuckovich

- END -

Committee Vote:
Yes 9, No 1
Fiscal Note Required __

HB0127001SC12552.swr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 297** (third reading copy -- blue) **be concurred in as amended**.

Signed: _____
Senator Jon Sonju, Chair

To be carried by Senator Frederick (Eric) Moore

And, that such amendments read:

1. Page 2, line 30 through page 3, line 5.
Strike: ":" on page 2, line 30 through "(c)" on page 3, line 5

2. Page 3.
Following: line 10
Insert: "(a) notify the employer that a complaint has been filed and that the employer has 15 days to respond to the complaint. Information included in the notification must include the name and contact information of the person submitting the complaint to the department."
Renumber: subsequent subsections

3. Page 4, line 16.
Following: "(4)"
Insert: "(a)"

4. Page 4, line 18.
Following: "work."
Insert: "
(b)"

Committee Vote:
Yes 6, No 4
Fiscal Note Required __

HB0297001SC12453.swr

5. Page 4, lines 26 through 28.
Following: "If" on line 26
Strike: "a" on line 26 through "general" on page 4, line 28
Insert: "the provisions of subsection (4)(b) apply"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 462** (third reading copy -- blue) **be concurred in**.

Signed: Verdell Jackson
Senator Jon Sonju, Chair

To be carried by Senator Frederick (Eric) Moore

- END -

Committee Vote:
Yes 10, No 0
Fiscal Note Required __

HB0462001SC12453.swr

MONTANA STATE SENATE
ROLL CALL VOTE
BUSINESS, LABOR, AND ECONOMIC AFFAIRS

DATE: 3-22-, 2013 HB/~~SB~~ # 297

BCIAA

NAME	YES	NO
Vice Chair Jackson	✓	
Senator Facey		✓
Senator Arntzen	✓ P	
Senator Moore	✓	
Senator Stewart-Peregoy		✓
Senator Barrett	✓	
Senator Brown	✓	
Senator Van Dyk		✓
Senator Vuckovich		✓
Chairman Sonju	✓	

10 Committee Members

SENATE PROXY

I, Senator ELSIE ARNTZEN, hereby authorize Senator Verdell Jackson to vote my proxy before the Senate Business, Labor and Economic Affairs meeting held on _____, 2013.

Senator Signature

3/22/2013
Date

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

Bill No./Amendment No.	Aye	No
SR 35	X	
SR 36	X	
SR 37	X	
SR 38	X	
SR 39	X	
HB 127	X	
HB029701.APM	X	
HB 297	X	
HB 402	X	

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
HB 402 - License and regulate wineries selling and shipping wine directly to MT consumers
Sponsor: **Rep. Chuck Hunter**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Mona Jamieson	WINE Institute	✓		
Bill Warden	Self	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
SR 35 - Confirm appointees to the board of personnel appeals
Sponsor: **Sen. Jon Sonju**

PLEASE PRINT

Name	Representing	Support	Oppose	Info

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
SR 36 - Confirm certain Governor's appointees related to prof and occupational boards
Sponsor: **Sen. Jon Sonju**

PLEASE PRINT

Name	Representing	Support	Oppose	Info

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
SR 37 - Confirm Governor's appointees to research & commercialization technology board
Sponsor: **Sen. Jon Sonju**

PLEASE PRINT

Name	Representing	Support	Oppose	Info

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
SR 38 - Confirm Governor's appointees to the board of banking
Sponsor: **Sen. Jon Sonju**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Aimee Grmoljez	MBA	X		
Kelly O'Sullivan	Montana Banking Divisi	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Friday, March 22, 2013
SR 39 - Confirm Governor's appointees to the board of barbers and cosmetologists
Sponsor: **Sen. Jon Sonju**

PLEASE PRINT

Name	Representing	Support	Oppose	Info

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.